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FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/08

SPONSOR Trujillo LAST UPDATED _____ HB 519

SHORT TITLE Santa Fe Schools Youth Court Initiative SB _____

ANALYST Cox

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Non-Rec | Fund Affected |
|---------------|---------|-------------------------|------------------|
| FY08 | FY09 | | |
| | \$150.0 | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth & Families Department (CYFD)

SUMMARY

Synopsis of Bill

House Bill 519 requests an appropriation of one hundred fifty thousand dollars (\$150,000) from the General Fund to the Public Education Department for expenditure in fiscal year 2009 for a public school Youth Court initiative in the Santa Fe public schools.

FISCAL IMPLICATIONS

The appropriation of one hundred fifty thousand dollars (\$150,000) contained in this bill is a recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of Fiscal Year 2009 shall revert to the General Fund.

SIGNIFICANT ISSUES

CYF notes:

The teen court model, also called youth or peer courts, is similar to a traditional court: there are prosecutors and defense attorneys, offenders and victims, and judges and juries, but young people rather than adults fill these roles and, most important, determine the disposition. The principal goal of a teen court is to hold young offenders accountable for their behavior by imposing sanctions that will repair some of the harm imposed on the victim and community. At

its most basic level, teen courts are programs in which young people who engage in delinquent or problem behavior are held accountable for their offense by peers through a wide array of sentencing options.

Teen courts are rapidly spreading across the country. A recent survey estimates that there are at least 675 teen courts operating in the United States, most of them small and relatively new. Teen courts are generally used for younger juveniles (ages 10 to 15), who were charged with less serious offenses (e.g., shoplifting, vandalism, and disorderly conduct) and have no prior arrest records. Typically, young offenders are offered teen court as a voluntary alternative to the traditional juvenile justice system. The basic theory behind the use of young people in court is that youth will respond better to their pro-social peers than to adult authority figures. This peer justice approach assumes that, in much the same way an association with delinquent peers is highly correlated with the onset of delinquent behavior, peer pressure from pro-social peers may push youth toward pro-social behavior.

In general, teen courts follow one of four models: the adult judge, the youth judge, the youth tribunal, and peer jury. The adult judge model is most popular, representing about half of all teen courts. It uses youth volunteers to serve in the roles of defense attorneys, prosecuting attorneys, and jurors but requires an adult volunteer to serve as the judge. The youth judge model uses a similar organizational structure but uses a youth to serve in the role of judge. The youth tribunal model differs from the other models in that there are no youth jurors. The youth attorneys present the case to a youth judge or judges. Finally, the peer jury model does not use youth as defense or prosecuting attorneys. Instead, it operates much like a grand jury. A case presenter introduces the facts of the case, and a panel of youth jurors interrogates the defendant directly.

According to current statute, all complaints alleging delinquency “shall be referred to probation services”. Therefore, CYFD/JJS would be the recipient of such referrals. Probation services has the authority to handle up to three misdemeanors per child in a two-year period informally (without judicial action) as to deter and intervene in the best interest of the child, family and the community, which could include restorative justice programs. As such, unless very specific practices and legal protocols were established, offenses referred a school-based youth court would be non-delinquent and have a different set of consequences than a delinquency process.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to HB516 (School-Based Offenses Restorative Justice).

PRC/bb